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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. NHTSA-99-6019] - {

RIN 2127-AH82

Consumer Information Regulations; Uniform Tire Quality Grading Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Response to Petitions for Reconsideration, Technical Amendment; Final Rule.

SUMMARY: On May 24, 1999, NHTSA published a final rule rescinding the requirement that passenger car manufacturers provide general Uniform Tire Quality Grading Standards (UTQGS) information to purchasers and potential purchasers at the point of sale of new motor vehicles, requiring instead that such information be included in owner's manuals. In addition, the rule removed the requirement that motor vehicle manufacturers supply copies of UTQGS information to the agency. In response to two petitions for reconsideration of that final rule, NHTSA is staying the requirement for the inclusion of UTQGS information into the owner's manual for one year until September 1, 2000. The agency is also clarifying an intended change in the May 24, 1999 final rule.

DATES: This rule is effective September 27, 1999, except Sections 575.6(a)(3) and 575.104(d) (1) (iv) are effective from September 27, 1999, through August 31, 2000. Sections 575.6(a) (1) and 575.104(d) (1) (iii) published May 24, 1999 (64 FR 27921) are stayed effective September 27, 1999 until September 1, 2000. Optional early compliance with those amendments is permitted.

Petitions for Reconsideration:

Petitions for reconsideration must be received not later than 45 calendar days after publication in the **Federal Register**.

ADDRESSES: Petitions for Reconsideration should refer to the docket and notice number of this final rule and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: For technical issues, Mr. P.L. Moore, Safety Standards Engineer, Office of Planning and Consumer Programs, Safety Performance Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590; Telephone (202) 366-5222.

For legal issues: Mr. Stephen Wood, Attorney, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590; Telephone (202) 366-2992.

SUPPLEMENTARY INFORMATION: On May 24, 1999, NHTSA published a final rule rescinding the requirement that passenger car manufacturers provide general Uniform Tire Quality Grading Standards (UTQGS) information to purchasers and potential purchasers at the point of sale of new motor vehicles, requiring instead that such information be included in owner's manuals. In addition, the rule removed the requirement that motor vehicle manufacturers supply copies of UTQGS information to the agency, and removed a number of obsolete definitions. Finally, the rule amended the exclusion of tires with nominal rim diameters of 10- 12 inches from the UTQGS to now exclude tires with nominal rim diameters of 12 inches or less.

The agency received two petitions for reconsideration: one from the Alliance of Automobile Manufacturers (the Alliance) and one from Volkswagen of America, Inc. Both petitions asked for an extension of the effective date to include UTQGS information into the owner's manual because a substantial number of owner's manuals have already been printed for the MY 2000 vehicles and the publication of the final rule on May 24, 1999 did not provide enough lead time to meet the published effective date of September 1, 1999.

The petition from the Alliance also asked that the words "each manufacturer of motor vehicles" be deleted from Section 575.6 paragraphs (c) and (d)(2).

The agency agrees that there might not have been sufficient leadtime to make the changes to the owner's manual

for MY 2000 since some manufacturers have already printed the owners manuals for MY 2000 vehicles. Because manufacturers generally print all the owner's manuals for each model year at one time, we are staying the requirements for one year to September 1, 2000. Because this rule is not being published until after the September 1, 1999 effective date, NHTSA is staying the amended sections in the May 24, 1999, final rule which deal with the owner's manual. NHTSA is also republishing (with new section numbers) the original language of these sections. This will continue the requirements in effect prior to the May 24, 1999 final rule until the new effective date. However, optional early compliance with the new owner's manual requirements is permitted. Should a manufacturer not opt for early compliance, then existing requirements remain in effect.

With regard to 49 CFR 575.6(c), the agency is not making the requested change. This paragraph specifies requirements for providing "information specified in Subpart B of this part that is applicable to each of the vehicles." Since the changes made in the May 24 final rule to § 575.104 (d) (1) (B) (ii) made the requirement that information be provided to prospective purchasers no longer applicable to vehicle manufacturers, 49 CFR § 575.6(c) does not impose any requirements relative to this information on vehicle manufacturers.

With regard to the requested changes to 49 CFR 575.6(d)(2), NHTSA acknowledges that the May 24 final rule did not change the regulatory text to reflect the decision that manufacturers need not submit the UTQGS information to NHTSA. However, this section applies to requirements in addition to those in 49 CFR 575.104. Therefore, NHTSA cannot simply delete the phrase "each manufacturer of motor vehicles" as the petitioner requested. However, NHTSA is amending that section to implement the intended change.

Rulemaking Analyses and Notices**A. Executive Order 12866 and DOT Regulatory Policies and Procedures**

This document was not reviewed under Executive Order 12866, Regulatory Planning and Review. NHTSA has analyzed the impact of this rulemaking action and has determined that it is not "significant" under DOT's regulatory policies and procedures. This final rule delays the effective date for manufacturers of vehicles equipped with passenger car tires to include

UTQGS information in the owner's manual. As noted in the May 24 final rule, NHTSA believes that the cost of adding UTQGS information to owner's manuals, which vehicle manufacturers are already required to provide, will be minimal and in any case, less than the cost of preparing and providing separate UTQGS information at new vehicle dealerships. Many vehicle manufacturers already include UTQGS information in their owner's manuals. Providing greater lead time should only serve to further minimize any costs. NHTSA believes, therefore, that implementation of this rulemaking action will result in an undetermined net overall cost savings to vehicle manufacturers. The agency believes, however, that any net cost savings will be minimal, therefore not warranting preparation of a full regulatory evaluation.

B. Regulatory Flexibility Act

NHTSA has considered the impacts of this rule under the Regulatory Flexibility Act (5 U.S.C. 601. *et seq.*). I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. As explained above, NHTSA believes this rule will have minimal economic impact.

C. Executive Order 12612 (Federalism)

NHTSA has analyzed this rule in accordance with the principles and criteria contained in E.O. 12612, and has determined that this rule will not have significant federalism implications to warrant the preparation of a Federalism Assessment.

D. National Environmental Policy Act

NHTSA has also analyzed this rule under the National Environmental Policy Act and determined that implementation of this rulemaking action will not have any significant impact on the quality of the human environment.

E. Paperwork Reduction Act

The provisions of this final rule requiring manufacturers to provide information in owners' manuals explaining the UTQGS tire quality grades for the benefit of consumers are considered to be third party information collection requirements as defined by the Office of Management and Budget (OMB) in 5 CFR part 1320. The information collection requirement for 49 CFR part 575 have been submitted to and approved by OMB pursuant to the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.* This collection of information authority has

been assigned control numbers 2 127—0049 for part 575, excluding the UTQGS; and 2 127-05 19, Uniform Tire Quality Grading Standards, 49 CFR 575.104, and has been approved for use through September 30, 2001.

F. Civil Justice Reform

This rule will not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

G. Executive Order 13045

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental, health or safety risk that NHTSA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, we must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by us.

This rule is not subject to the Executive Order because it is not economically significant as defined in E.O. 12866, and does not have a disproportionate effect on children.

H. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4) requires agencies to prepare a written assessment of the cost, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by state, local, or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually. This final rule does not meet the definition of Federal mandate because this rule involves very little, if any, additional cost to vehicle or tire manufacturers and in no case will annual expenditures exceed the \$100 million threshold.

List of Subjects in 49 CFR Part 575

Consumer protection, Labeling, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, 49 CFR part 575 is amended as follows:

PART 575—CONSUMER INFORMATION REGULATIONS

1. The authority citation for part 575 continues to read:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30116; delegation of authority at 49 CFR 1.50.

2. Section 575.6 is amended by revising paragraph (d) (2) and by adding paragraph (a)(3) to read as follows:

§ 575.6 Requirements.

(a) * * *
(3) For vehicles manufactured prior to September 1, 2000, at the time a motor vehicle is delivered to the first purchaser for purposes other than resale, the manufacturer of that vehicle shall provide the purchaser, in writing and in the English language, the information specified in §§ 575.103 and 575.104 of this part that is applicable to that vehicle and its tires. The document provided with a vehicle may contain more than one table, but the document must either clearly and unconditionally indicate which of the tables apply to the vehicle with which it is provided, or contain a statement on its cover referring the reader to the vehicle certification label for specific information concerning which of the tables apply to that vehicle. If the manufacturer chooses option (a) (2) of this section, the vehicle certification label shall include such specific information.

Example 1. Manufacturer X furnishes a document containing several tables, which apply to various groups of vehicles that it produces. The document contains the following notation on its front page: "The information that applies to this vehicle is contained in Table 5." The notation satisfies the requirement.

Example 2. Manufacturer Y furnishes a document containing several tables as in Example 1, with the following notation on its front page: Information applies as follows:

**Model P, 6-cylinder engine—Table 1.
Model P, 8-cylinder engine—Table 2.
Model Q—Table 3.**

This notation does not satisfy the requirement, since it is conditioned on the model or the equipment of the vehicle with which the document is furnished, and therefore additional information is required to select the proper table.

* * *
(d) * * *

(2) (i) In the case of § 575.104, each brand name owner of tires, and each

manufacturer of tires for which there is no brand name owner shall submit to the Administrator 2 copies of the information specified in Subpart B of this part that is applicable to the tires offered for sale, at least 30 days before it is first provided for examination by prospective purchasers pursuant to paragraph (c) of this section.

(ii) In the case of all other sections of Subpart B of this Part as they apply to post-introduction changes in information submitted for the current model year, each manufacturer of motor vehicles, each brand name owner of tires, and each manufacturer of tires for which there is no brand name owner shall submit to the Administrator 2 copies of the information specified in Subpart B of this part that is applicable to the vehicles or tires offered for sale, at least 30 days before it is first provided for examination by prospective purchasers pursuant to paragraph (c) of this section.

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3. Section 575.104 is amended by adding paragraph (d) (1) (iv) to read as follows:

§ 575.104 Uniform tire quality grading standards.

* * * * *

(d) * * *

(1) * * *

(iv) In the case of information required in accordance with § 575.6(a) to be furnished to the first purchaser of a new motor vehicle, each manufacturer of motor vehicles shall, as part of the required information, list all possible grades for traction and temperature resistance and restate verbatim the explanation for each performance area specified in Figure 2 to this section. The information need not be in the format of Figure 2 to this section, but it must contain a statement referring the reader to the tire sidewall for the specific tire grades for the tires with which the vehicle is equipped.

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Issued on: September 21, 1999.

Frank Seales, Jr.,

Acting Administrator.

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